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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sataro SHIMAZAKI
Serial No. : 10/589,126
Filed : May 29, 2007
For : FABRIC AND TEXTILE PRODUCT
Group Art Unit : 1794
Examiner : Andrew T. Piziali

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Frank J. Jordan
(Name)

Frank J. Jordan 08/20/09
(Signature and Date)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Official Action dated July 20, 2009, and with regard to the requirement for election and restriction, Applicant hereby provisionally elects for the purpose of being completely responsive to the Official Action, should the requirement be made final, Species 1, but respectfully traverses this restriction requirement. Claims 1, 2 and 4 read on the elected Species.

Reconsideration and withdrawal of the restriction requirement are respectfully requested. It is thought that the claims are so directly related to each other that it is believed that all of the claims may properly be included in the same application.


In view of this extent of related subject matter in the claims, it is submitted that the restriction requirement is unwarranted inasmuch as it places an undue burden on Applicant and also on the Patent and Trademark Office in that all of this related subject matter has to be searched at least twice, once for the parent application and once for the Divisional application if such a Divisional application is filed. With regard to this matter, it is pointed out that the notice entitled: "Restrictions Between Inventions" in the May 13, 1975 issue of the Official Gazette (934 O.G. 450)), indicates that "if the search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions".

In view of the fact that the claims in question here have related subject matter and in view of the intent expressed in the aforementioned Patent and Trademark Office Notice relating to restriction practice, reconsideration of the restriction requirement is respectfully requested and withdrawal of this restriction is respectfully requested.

Should the restriction requirement not be withdrawn, Applicant reserves the right to file a Divisional application at a later date on the non-elected claims. Accordingly, reconsideration and favorable action on the merits of this application are respectfully requested.

Respectfully submitted,

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